

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Kevin Albert Sunseri,

Case No.: 2:19-cv-00715-JAD-VCF

Petitioner

## **Order Dismissing Case**

V.

Sheriff Lombardo,

## Respondents

On May 13, 2019, this court entered an order directing petitioner to show cause why this case under 28 U.S.C. § 2241 should not be dismissed for lack of state court exhaustion.<sup>1</sup> The court allowed petitioner until June 3, 2019, to make the necessary showing,<sup>2</sup> and he was advised that failure to timely respond to the order would result in dismissal without further notice.<sup>3</sup>

IT IS THEREFORE ORDERED that the petition for writ of habeas corpus is

15 DISMISSED without prejudice due to petitioner's failure to exhaust state court remedies. The  
16 Clerk of Court is directed to ENTER JUDGMENT accordingly and CLOSE THIS CASE.

17 IT IS FURTHER ORDERED that a certificate of appealability is DENIED because  
18 jurists of reason would not find the court's dismissal to be debatable or wrong.

Dated: July 3, 2019

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U.S. District Judge Jennifer A. Dorsey

<sup>1</sup> ECF No. 3.

23 |<sup>2</sup> *Id.* at 3.

3 Id.